UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ENZO LIFE SCIENCES, INC., 04-CV-01555 (RJS) Plaintiff, **ECF Case** vs. AFFYMETRIX, INC., Defendant, 02-CV-08448 (RJS) AND RELATED CASES NAMING MOLECULAR PROBES, INC... 03-CV-03817 (RJS) PERKINELMER, INC., PERKINELMER 03-CV-03819 (RJS) LIFE SCIENCES, INC., ORCHID 03-CV-03816 (RJS) BIOSCIENCES, INC., ENZO BIOCHEM, 03-CV-08907 (RJS) INC., ENZO LIFE SCIENCES, INC., 04-CV-04046 (RJS) AFFYMETRIX, INC., ROCHE DIAGNOSTICS GMBH, AND ROCHE MOLECULAR SYSTEMS, INC. AS DEFENDANTS, PLAINTIFFS, **ORAL ARGUMENT** AND/OR DECLARATORY JUDGMENT REQUESTED PLAINTIFFS.

DEFENDANT AFFYMETRIX, INC.'S RENEWED NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that pursuant to the Court's January 30, 2013 Order (Docket No. 96), Defendant Affymetrix, Inc., hereby files this renewed notice of motion and that upon the Memorandum in Support of Defendant Affymetrix, Inc.'s Motion for Summary Judgment (Docket No. 89), dated December 21, 2012, the accompanying Declaration of Peter E. Root and the exhibits attached thereto (Docket No. 90), Affymetrix, Inc.'s Statement Pursuant to Local Rule 56.1 (Docket No. 92), and upon all the papers and pleadings filed in this case and the related cases, Affymetrix, Inc., by the undersigned attorneys, hereby moves this Court for

an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Affymetrix, Inc.'s Motion for Summary Judgment.

Dated: April 11, 2013 Respectfully submitted,

By: /s/ Peter E. Root

Peter E. Root

Email: peter.root@kayescholer.com Michael J. Malecek

Email: michael.malecek@kayescholer.com KAYE SCHOLER LLP

Two Palo Alto Square 3000 El Camino Real, Suite 400 Palo Alto, California 94306 Telephone: (650) 319-4500

Attorneys for Defendant Affymetrix, Inc.